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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,650	09/17/2003	Seong Fong Chen	2877-4031	8495

27123 7590 04/18/2007  
MORGAN & FINNEGAN, L.L.P.  
3 WORLD FINANCIAL CENTER  
NEW YORK, NY 10281-2101

EXAMINER
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PENG, KUO LIANG

ART UNIT	PAPER NUMBER
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1712

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/666,650

Applicant(s)

CHEN ET AL.

Examiner

Kuo-Liang Peng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/22/07 Amendment.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-10 and 12-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 4-10, 12-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The Applicants' amendment filed January 22, 2007 is acknowledged.  
Claims 1-3, 11 and 16-41 are deleted. Now, Claims 4-10 and 12-15 are pending.
2. The text of those sections of Title 35, U.S. code not included in this action can be found in prior Office Action(s).

#### ***Claim Rejections - 35 USC § 103***

3. Rejection of Claims 4-10 and 12-15 under 35 USC 102(e) as being anticipated by Wang (US 2004/0126604) is maintained because the rejection is adequately set forth in paragraph 5 of Paper No. 091606. Applicant's arguments have been fully considered but they are not persuasive. The focus argument related to the core patentability is discussed below.

For Applicants' argument (Remarks, page 4, last paragraph to page 5, 1<sup>st</sup> paragraph and page 5, 3<sup>rd</sup> paragraph), Examiner disagrees because of the following reasons: First, "outer surface layer" of a glove is a relative term, and is not necessarily the surface that is not in contact with the skin because there is no specific reference surface/layer to compare with. It can be simply interpreted as an

“outer surface” with respect to the **elastomeric layer**. In addition, typically there is no specific difference between the surface intending to contact with the skin and that intending not to contact with the skin. For example, latex gloves sold in the stores such as Home Depot, etc. can be worn by contacting **either one** of the two surfaces with the skin. Therefore, either one of the glove surfaces can be called an “outer surface”. In summary, without differentiating the two surfaces of the gloves, such as textures, etc., the term “outer surface” appears to be not meaningful.

Applicants are further reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Guens*, 988 F. 2d 1811, 26 USPQ 2d 1057 (Fed. Cir. 1993) Second, Wang teaches coating the gloves by a spray method or a tumbling method as described in [0040]-[0041], thereby, the surface intended not to be in contact with the skin is coated. This is further supported in [0009] where the **intra-surface tackiness** between like elastomeric articles (i.e., gloves) is reduced as a result of the coating.

4. Rejection of Claims 4-10 and 12-15 under 35 USC 103(a) as being unpatentable over Podell (US 4 575 476), optionally in view of Weikel (WO 98/29484) and Cotrell (US 6 566 408) is maintained because the rejection is adequately set forth in paragraph 6 of Paper No. 091606. Applicant's arguments

have been fully considered but they are not persuasive. The focus argument related to the core patentability is discussed below.

For Applicants' argument (Remarks, page 6, 4<sup>th</sup> paragraph to page 7, 1<sup>st</sup> paragraph), Examiner disagrees because of the following reason: The "outer surface layer" of a glove is a relative term, and is not necessarily the surface that is not in contact with the skin because there is no specific reference surface/layer to compare with. It can be simply interpreted as an "outer surface" with respect to the **elastomeric layer**. In addition, typically there is no specific difference between the surface intending to contact with the skin and that intending not to contact with the skin. For example, latex gloves sold in the stores such as Home Depot, etc. can be worn by contacting **either one** of the two surfaces with the skin. Therefore, either one of the glove surfaces can be called an "outer surface". In summary, without differentiating the two surfaces of the gloves, such as textures, etc., the term "outer surface" appears to be not meaningful. Applicants are further reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. In re Van Guens, 988 F. 2d 1811, 26 USPQ 2d 1057 (Fed. Cir. 1993)


5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval

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(PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp  
April 16, 2007



Kuo-Liang Peng  
Primary Examiner  
Art Unit 1712